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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,279	06/27/2001	Marcellino Tanumihardja	360044.402	5240
500	7590	01/26/2006		
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092				
			EXAMINER WINDER, PATRICE L	
			ART UNIT 2145	PAPER NUMBER

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,279

Applicant(s)

TANUMIHARDJA ET AL.

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 58, 60, 63 and 65-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57, 59, 61, 62, 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>File directory listing</u> . |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification lacks reference to the Up.browser.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-57, 59, 61-62, 64 are, drawn to a method/system for detecting a wireless device capability including detecting wireless device type, classified in class 709, subclass 220.
 - II. Claims 58, 60, 63, 65-70, drawn to a method and system for detecting a wireless-device response aggregation event, classified in class 709, subclass 207.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination has separate utility as a method/system for detecting wireless device capability with the features of

invention II. The subcombination has separate utility such as a method/system for detecting a response aggregation event upon messages without the features of invention I.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Newly submitted claims 58, 60, 63, 65-70 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: see paragraphs 2-4, above

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 58, 60, 63, 65-70 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 27, 55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

8. The amendments to claim language filed by applicant on November 10, 2005 introduces new matter. The new matter is specifically, the "steps/means for detecting a wireless-device". There is no direct correlation to the amended language and applicant's specification, as further evidenced by the applicant failing to cite where the specification supports this amendment.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4, 6-7, 9-16, 18-21, 23-26, 28-31, 33-34, 36-43, 45-48, 50-53, 55-57, 59, 61-62 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamtgaard et al., USPN 6,430,624 B1 (hereafter referred to as Jamtgaard).

11. Regarding claim 1, Jamtgaard taught a method comprising:

detecting a wireless device (information appliances 15, column 7, lines 13-17, column 5, lines 3-6); and

detecting a wireless-device capability in response to said detecting the wireless device (column 7, lines 17-26; column 4, lines 58-66).

12. Regarding dependent claim 2, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a WML capable browser (column 4, line 66-column 5, line 6).

13. Regarding dependent claim 3, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a Compact HTML capable browser (column 4, line 66-column 5, line 6).

14. Regarding dependent claim 4, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a Pocket IE HTML capable browser (column 4, line 66-column 5, line 6).

15. Regarding dependent claim 6, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a commercially available browser (column 4, line 66-column 5, line 6).

16. Regarding dependent claim 7, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected Pocket IE browser (column 4, line 66-column 5, line 6, column 8, lines 30-35).

17. Regarding dependent claim 9, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected Palm Query Application browser (column 4, line 66-column 5, line 6, column 8, lines 30-35).

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18. Regarding dependent claim 10, Jamtgaard taught wherein said detecting a wireless-device capability comprises: detecting the wireless-device capability via scanning of a Hyper Text Transfer Protocol (http) header (column 8, lines 30-35).

19. Regarding dependent claim 11, Jamtgaard taught presenting, in response to the detected wireless-device capability, a message at least partially in audible-presentation form, visual-presentation form, or tactile-presentation form (column 8, lines 47-61).

20. Regarding dependent claim 12, Jamtgaard taught said presenting, in response to the detected wireless-device capability, a message at least partially in audible-presentation form, visual-presentation form, or tactile-presentation form comprises:

formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set (column 7, line 48-column 8, line 15).

21. Regarding dependent claim 13, Jamtgaard taught said formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set comprises: retrieving at least one wireless-device-capability-specific XSL file set (column 7, lines 48-58).

22. Regarding dependent claim 14, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a WML capability-specific XSL file set (column 4, line 66-column 5, line 6).

23. Regarding dependent claim 15, Jamtgaard taught wherein said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a CHTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

24. Regarding dependent claim 16, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a Pocket IE HTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

25. Regarding dependent claim 18, Jamtgaard taught said formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate browser (column 8, lines 4-17).

26. Regarding dependent claim 19, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a WML capable browser (column 8, lines 4-17).

27. Regarding dependent claim 20, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a CHTML capable browser (column 4, line 66-column 5, line 6, column 8, lines 4-17).

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28. Regarding dependent claim 21, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a Pocket IE HTML capable browser (column 4, line 66-column 5, line 6 and column 8, lines 4-17).

29. Regarding dependent claim 23, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises: retrieving at least one wireless-device-capability-specific XSL file set (column 7, lines 48-63).

30. Regarding dependent claim 24, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a WML capability-specific XSL file set (column 4, line 66-column 5, line 6).

31. Regarding dependent claim 25, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a CHTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

32. Regarding dependent claim 26, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a Pocket IE HTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

33. Regarding claim 55, Jamtgaard taught a system (column 4, lines 34-36) comprising:

circuitry for detecting a wireless device (column 7, lines 13-17; column 5, lines 3-6), said circuitry selected from an electrical-circuitry group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program, electrical circuitry forming a memory device, and/or electrical circuitry forming a communications device (column 4, lines 39-47); and

circuitry for detecting a wireless-device capability (column 7, lines 17-26; column 4, lines 58-66), said circuitry response to said circuitry for detecting the wireless-device, said circuitry selected from an electrical-circuitry group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program, electrical circuitry forming a memory device, and/or electrical circuitry forming a communications device (column 4, lines 39-47).

34. Regarding dependent claim 56, Jamtgaard taught said detecting a wireless-device comprises: detecting a communication associated with the wireless device (column 7, lines 13-17).

35. Regarding dependent claim 57, Jamtgaard taught said detecting a communication associated with the wireless device comprises: receiving a message associated with the wireless device (column 7, lines 1-12).

36. Regarding dependent claim 59, Jamtgaard taught said detecting a communication associated with the wireless device comprises: transmitting a message associated with the wireless device (column 7, lines 1-12).

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 5, 17, 22, 27, 32, 44, 49, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard in view of Didier Martin, Adapting Content for VoiceXML.

39. Regarding dependent claim 5, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a XML capable browser (column 4, line 66-column 5, line 6).

40. Regarding dependent claim 17, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a XML capability-specific XSL file set (column 7, lines 48-58).

41. Regarding dependent claim 22, Jamtgaard taught wherein said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a XML capable browser (column 8, lines 4-17).

42. Regarding dependent claim 27, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a XML capability-specific XSL file set (column 7, lines 48-63).

43. As to dependent claims 5, 17, 22 and 27, Jamtgaard does not specifically teach voice XML. However, Martin taught translating XML into voice XML (paragraphs 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Martin's adapting XML content into voice XML content would have improved system effectiveness. The motivation would have been to transform the messages into a format that the recipient device can perceive (Martin, paragraphs 1-2).

44. Claims 8 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard in view of Phone.com, Press Release: GVC Licenses Phone.com Up.browser Microbrowser for Mobile Phones in Asia and Europe.

45. Regarding dependent claim 8, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected browser (column 8, lines 25-35). Jamtgaard does not specifically teach the browser is an Up.browser. However, Phone.com taught Up.browser (paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Phone.com's Up.browser in Jamtgaard's system for content delivery

would have improved system effectiveness. The motivation would have been to better provide wireless Internet services (Phone.com, paragraph 3).

46. The language of claims 28-54, 61-62, 64 is substantially the same as previously rejected claims 1-27, 56-57, 59, above. Therefore, claims 28-54, 61-62, 64 are rejected on the same rationale as previously rejected claims 1-27, 56-57, 59, above.

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


48. Martin et al., USPN 6,741,855 B1: taught mobile devices of different types register with a bot service; commands are issued to the bot service through messages; and commands are forwarded to another server for execution.

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

January 23, 2006

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Appendices filed w_Prov..	9011 KB	11/7/05
Provisional.pdf	3168 KB	11/7/05

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